

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, SOUTHERN DIVISION

IN RE: STAGE DOOR)
DEVELOPMENT, INC.,)
)
Debtor.)
)
WILLIAM C. CARN, III,)
Trustee in Bankruptcy for)
Stage Door Development,)
Inc.,)
)
Plaintiff,)
)
v.)
)
H. JACK MIZELL,)
)
Defendant and Third-)
Party Plaintiff,)
)
v.)
)
HON. DWIGHT H. WILLIAMS,)
et al.,)
)
Third-Party)
Defendants.)

CIVIL ACTION NO.
1:08mc3418-MHT
(WO)

ORDER

For the following reasons, the court exercises its
discretion under 11 U.S.C. § 157(d) to withdraw the
reference as requested and, accordingly, it is ORDERED

that the motion to withdraw reference (Doc. No. 2) is granted.

The clerks of the bankruptcy court and this court are DIRECTED to take all steps necessary to transfer to the United States District Court for the Middle District of Alabama the third-party claims against Chief United States Bankruptcy Judge Dwight Williams, initiated by third-party plaintiffs H. Jack Mizell and James Timothy Turner on July 3, 2008, in a pleading styled "Affidavit Of Negative Averment, Opportunity to Cure, And Counterclaim" (bankruptcy docket no. 28). The clerk of this court shall set up the transfer case as a separate civil case, with a new civil action number.

Chief Judge Williams moved pursuant to Rule 5011(a) of the Federal Rules of Bankruptcy Procedure to withdraw the reference with respect to the third-party claims against him. This court agrees that it would be inappropriate for the presiding judge to rule on claims asserted against him. This court also agrees that the

bankruptcy court is competent to retain jurisdiction over all remaining aspects of this adversary proceeding (# 08-01023) and the underlying bankruptcy case (#07-11638). Finally, no party raises any objections to the motion to withdraw reference.

DONE, this the 22nd day of September, 2008.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE